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**JUL 24 2006**

**OFFICE OF PETITIONS**

In re :  
**Ameer et al.** :  
Application No. 09/495,278 : RECONSIDERATION OF  
Filing Date: January 31, 2000 : PATENT TERM ADJUSTMENT  
Attorney Docket:0492611- :  
0364 (MIT 8616)

This decision is in response to Applicants' APPLICATION FOR RECONSIDERATION UNDER 37 CFR 1.705(b) timely<sup>1</sup> filed on February 21, 2006 requesting that the Office reconsider the PTA determination and adjust the PTA determination at the time of the mailing of the notice of allowance from a determination of zero (0) days to a determination of ( )

Applicants request for PTA reconsideration is **DISMISSED**.

Applicants assert that the Office engaged in 589 days of delay and applicants engaged in 145 days of delay. Accordingly, applicants allege that the proper amount of delay is 444 (589-145=444).

Applicants' submission is not persuasive because this application is not eligible for PTA. Accordingly, the grounds of Office delay and applicant delay enumerated in 37 CFR 1.702-1.705 are not applicable to this application. Rather, the only grounds in which the applicants may receive administrative delay are enumerated in 37 CFR 1.701.<sup>2</sup> This application is not eligible for PTA because the filing date of the application (January 31, 2000) was filed prior to May 29, 2000.

<sup>1</sup> Request for reconsideration of PTA was filed prior to/or with payment of the issue fee.

<sup>2</sup>Under PTE, applications filed between June 8, 1995 and May 28, 2000, applicants not assessed any reductions against patent term but the grounds in which applicants may receive additional term are limited.

After the mailing of this decision, the Office will forward this application to the Office of Patent Publications for a prompt issuance of the application into a patent.

The Office has assessed the \$200.00 fee. No additional fees are required by applicants.

Any questions relating to this decision should be directed to Kery A. Fries, Office of Patent Legal Administration, at 571-272-7757.

*Kery A Fries*  
Kery A. Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner for  
Patent Examination Policy

cc: PAIR calculation showing PTE

Day : Friday  
Date: 7/21/2006

Time: 12:11:10

**PALM INTRANET****PTE Calculations for Application: 09/495278**

Application Filing Date:	01/31/2000	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	0
PTO Delay Adjustment:	0		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
53	11/21/2005	MAIL NOTICE OF ALLOWANCE			
52	11/21/2005	MAIL FORMAL DRAWINGS REQUIRED			
51	10/06/2005	CORRESPONDENCE ADDRESS CHANGE			
50	10/04/2005	ISSUE REVISION COMPLETED			
49	10/04/2005	FORMAL DRAWINGS REQUIRED			
48	10/04/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	10/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
46	10/04/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
45	10/03/2005	NOTICE OF ALLOWABILITY			
44	04/05/2005	CASE DOCKETED TO EXAMINER IN GAU			
43	02/17/2005	MISCELLANEOUS INCOMING LETTER			
42	04/14/2004	DATE FORWARDED TO EXAMINER			
41	03/22/2004	RESPONSE AFTER NON-FINAL ACTION			
40	03/22/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	10/22/2003	MAIL NON-FINAL REJECTION			
38	10/01/2003	NON-FINAL REJECTION			
37	07/24/2003	DATE FORWARDED TO EXAMINER			
36	07/11/2003	RESPONSE AFTER NON-FINAL ACTION			
35	04/16/2003	MAIL NON-FINAL REJECTION			
34	03/24/2003	NON-FINAL REJECTION			
33	01/09/2003	DATE FORWARDED TO EXAMINER			
32	12/11/2002	RESPONSE AFTER NON-FINAL ACTION			
31	12/11/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			

29	10/14/2002	CASE DOCKETED TO EXAMINER IN GAU		
28	06/06/2002	MAIL NON-FINAL REJECTION		
27	06/05/2002	NON-FINAL REJECTION		
26	05/14/2002	DATE FORWARDED TO EXAMINER		
25	05/06/2002	RESPONSE TO ELECTION / RESTRICTION FILED		
24	03/27/2002	MAIL RESTRICTION REQUIREMENT		
23	03/25/2002	REQUIREMENT FOR RESTRICTION / ELECTION		
22	01/29/2002	CASE DOCKETED TO EXAMINER IN GAU		
21	01/23/2002	X-PRE-LEGAL COMPLETE AMENDED CASE		
20	01/23/2002	DATE FORWARDED TO EXAMINER		
19	01/17/2002	RESPONSE TO ELECTION / RESTRICTION FILED		
18	10/01/2001	MAIL RESTRICTION REQUIREMENT		
17	09/28/2001	REQUIREMENT FOR RESTRICTION / ELECTION		
16	09/27/2001	CASE DOCKETED TO EXAMINER IN GAU		
15	07/23/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
14	07/11/2001	DATE FORWARDED TO EXAMINER		
13	07/05/2001	RESPONSE TO ELECTION / RESTRICTION FILED		
12	06/04/2001	MAIL RESTRICTION REQUIREMENT		
11	06/01/2001	REQUIREMENT FOR RESTRICTION / ELECTION		
10	05/07/2001	CASE DOCKETED TO EXAMINER IN GAU		
9	07/21/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
8	05/22/2000	CASE DOCKETED TO EXAMINER IN GAU		
7	05/17/2000	APPLICATION DISPATCHED FROM OIPE		
6	05/17/2000	APPLICATION IS NOW COMPLETE		
5	04/03/2000	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED		
4	04/03/2000	CORRESPONDENCE ADDRESS CHANGE		
3	02/28/2000	IFW SCAN & PACR AUTO SECURITY REVIEW		
2	02/07/2000	PREEXAMINATION LOCATION CHANGE		
1	02/07/2000	INITIAL EXAM TEAM NN		

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#### EXPLANATION OF PTA CALCULATION

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